

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

**TIMOTHY TRASK,** )  
 )  
 )  
**PLAINTIFF** )  
 )  
 )  
**v.** )  
 )  
 )  
**SWISH KENCO, LTD,** )  
 )  
 )  
**DEFENDANT** )  
 )  
CIVIL No. 1:12-cv-50-DBH

**ORDER AFFIRMING RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE**

On January 4, 2013, the United States Magistrate Judge filed with the court, with copies to counsel, her Recommended Decision on the defendant's motion for summary judgment. The defendant filed an objection to the Recommended Decision on January 22, 2013. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The defendant's motion for summary judgment is **DENIED** on the issue of liability and **GRANTED** as it concerns the cap on the compensatory damage award under federal law. Ruling is **RESERVED** on the

territorial reach of the term “employer” under the Maine Human Rights Act until such time as a factfinder has made an award of compensatory damages that would necessitate resolution of that issue.

**So ORDERED.**

**DATED THIS 30<sup>TH</sup> DAY OF JANUARY, 2013**

/S/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**